REMARKS

Claims 1-38 were pending in this application.

Claims 1-38 have been finally rejected.

Claim 34 has been amended to correct an informality noted by the Applicants.

Claims 1-38 remain pending in this application.

Reconsideration of Claims 1-38 is respectfully requested in light of the following arguments, made to more clearly frame the issues for appeal.

I. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1-3, 7-9, 13-15, 19-21, 25-27, 29-31 and 34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,263,507 B1 to Ahmad et al. ("*Ahmad*"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP §2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP §2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claims 1, 7, 13 and 19 recite a system and method for creating a multimedia summary of a video program. First, the system identifies a domain of the video program, and then it

combines the selected audio-video segments with portions of a transcript of the text of the video program to create the multimedia summary. The Applicants respectfully submit that *Ahmad* does not teach or suggest these elements of the Applicants' invention as recited.

The Office Action asserts that the *Ahmad* reference discloses a system that can categorize news programs and news stories and select the news programs and news stories video images and text to be displayed to a user of the system. The Office Action cites Fig. 2A, reference no. 201; Fig. 2B, reference nos. 211 and 215; column 3, lines 26-33; and column 15, lines 8-42, in support of the assertion. The Applicants respectfully submit that the Office Action mischaracterizes the teaching of the *Ahmad* reference.

The *Ahmad* system partitions news programs into segments, or news stories. *Ahmad, col. 22, lines 39-44.* The system then categorizes the segments according to subject matter. *Ahmad, col. 23, lines 9-17.* A user of the system may subsequently use a topic button to cause the system to display all the segments that pertain to a subject matter category. *Ahmad, col. 29, lines 55-62.*

Thus, the *Ahmad* reference describes a system that summarizes programs of a single domain (news) containing segments of several categories. To facilitate the user's review of segments that relate solely to a single category of interest, the *Ahmad* system provides topic buttons to select the desired category and produce a summary containing only stories of that category. As such, to the extent that a subject matter category is analogous to a domain, the *Ahmad* reference teaches topic buttons that identify a domain of a summary, rather than identifying the domain of a video program.

In distinct contrast, Claims 1, 7, 13, 19, 25 and 34 recite a system and method that identifies a domain of a video program, and, according to the identified domain, selects portions of audio-video segments of the program based upon the identified domain of the video program in order to create a multimedia summary of the program. As such, the *Ahmad* reference fails to anticipate the Applicants' invention as recited in Claims 1, 7, 13, 19, 25 and 34 (and dependent Claims 2, 3, 8, 9, 14, 15, 20, 21, 26, 27 and 29-31).

Therefore, the Applicants respectfully submit that the rejection of Claims 1-3, 7-9, 13-15, 19-21, 25-27, 29-31 and 34 under 35 U.S.C. § 102 has been overcome. Accordingly, the Applicants respectfully request withdrawal of the rejection and full allowance of Claims 1-3, 7-9, 13-15, 19-21, 25-27, 29-31 and 34.

II. REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejects Claims 4-6, 10-12, 16-18, 22-24, 28, 32, 33 and 35 under 35 U.S.C. § 103(a) as being unpatentable over *Ahmad* in view of U.S. Patent No. 6,580,437 B1 to Liou et al. ("*Liou*"). The Office Action rejects Claims 36-38 under 35 U.S.C. § 103(a) as being unpatentable over *Ahmad* in view of "Name-It: Naming and Detecting Faces in News Videos" by Satoh et al. ("*Satoh*") and further in view of U.S. Patent No. 5,093,937 to Hoarty et al. ("*Hoarty*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23

U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. MPEP § 2142.

Claims 4-6, 10-12, 16-18, 22-24, 28, 30-33 and 36-38 depend from independent Claims 1, 7, 13, 19 and 25, directly or indirectly, and incorporate the features/elements therein recited. Thus, for the same reasons given above with respect to the § 102 rejection of independent Claims 1, 7, 13, 19 and 25, the *Ahmad*, *Liou*, *Satoh* and *Hoarty* references, either alone or in combination, do not disclose, teach or suggest all the features/elements of Claims 4-6, 10-12, 16-18, 22-24, 28 and 30-38 and, therefore, a *prima facie* case of obviousness has not been established.

The Applicant respectfully requests that the rejection of Claims 4-6, 10-12, 16-18, 22-24, 28, and 30-38 under 35 U.S.C. § 103 be withdrawn and that Claims 4-6, 10-12, 16-18, 22-24, 28, and 30-38 be passed to allowance.

III. CONCLUSION

For the reasons given above, the Applicant respectfully requests reconsideration and full allowance of all pending claims and that this application be passed to issue.

SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com.*

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: Nov 14, 2005

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